

Conway
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by _____

207465
D.C.

ORDINANCE NO. 0-02-135

AN ORDINANCE AMENDING ORDINANCE NO. 0-00-55, WHICH ADOPTED AN AMENDED EMPLOYEE HANDBOOK AND PERSONNEL POLICY FOR THE CITY OF CONWAY; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the City Council has adopted, pursuant to Ordinance No. 0-00-73, an amended handbook to be used for personnel matters for the City; and

WHEREAS, a revision of Section II, Employee Benefits, is needed for the fair and impartial implementation of personnel policies.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:

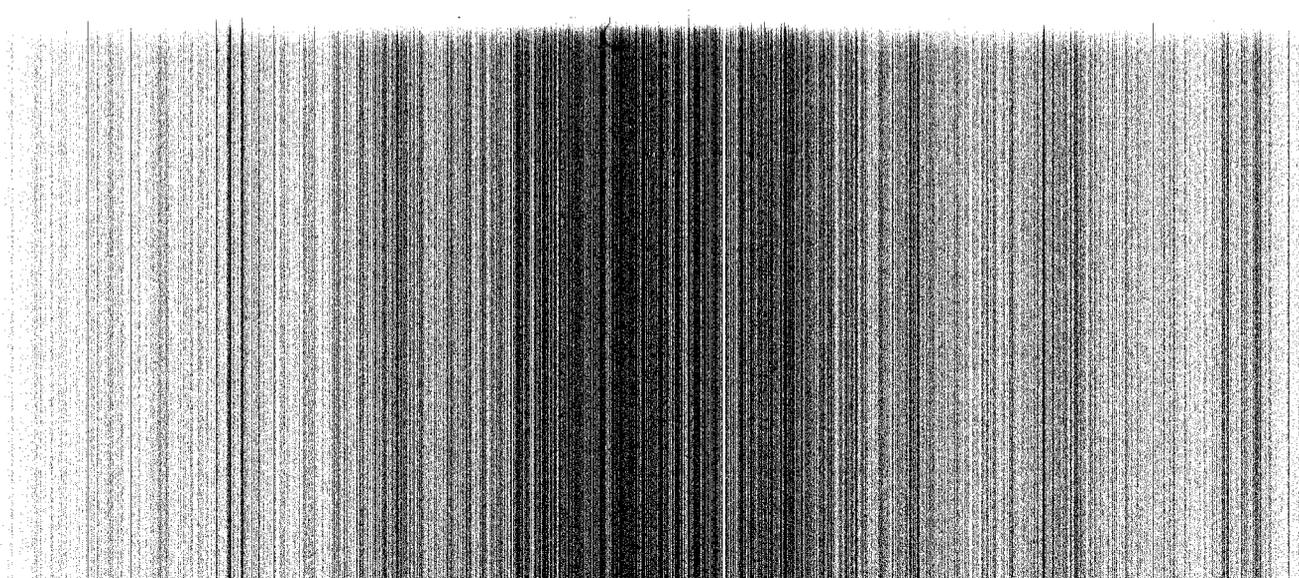
Section 1: Section II, Employee Benefits, Pay While on Workers' Compensation policy shall be amended as follows:

PAY WHILE ON WORKERS COMPENSATION

1. If as a result of an on-the-job injury our Workers' Compensation Insurance carrier's designated physician places you ~~off~~ work, you will receive pay from the City for the first week of lost work (53hrs. for Firefighters, 40 hrs. for all others). If you remain off work at the written instruction of that physician for more than 7 days, our Workers' Compensation Insurance carrier will determine what disability payments are due and will make those payments to you directly. Since disability payments are typically less than your regular daily and/or weekly wages, you may add to these disability wages by using paid leave from your leave accounts (Sick, Vacation, Administrative and Comp Time). **Under no circumstances will the combined checks (Workers' Compensation and City of Conway) exceed your regular amount as set forth in Arkansas Workers' Compensation statutes.** An illness/injury suffered while performing duties for any other employer must be filed with that Employer's Workers' Compensation plan and noted on a claim filed with the City's plan.

You will be placed on Injury Leave. If it is determined that you are able to return to work, a date will be set for you to return to work. Employees who are determined able to return to work and fail to do so shall be terminated. Recurring absences related to a previous injury shall be considered the same injury if they occur within 180 calendar days, subject to administrative analysis and diagnosis of the injury. If recurring leave related to a previous injury is required after 180 calendar days from the date of release and return to work, such leave will be treated as a new injury. Employees who are on Injury Leave shall participate only in activities expressly permitted by the attending physician. They shall not participate in activities causing a delay in their recovery.

2. After 30 calendar days of Injury Leave, you must apply for Extended Injury Leave with the Human Resources Department. Prior to the expiration of six (6) months, the Workers' Compensation Insurance carrier's designated physician shall make a determination of the degree of disability. If you have a permanent disability, you shall apply for disability retirement and be separated from the City's employment upon final determination by the appropriate Pension Board. If



the diagnosis results in the determination that you will be able to return to work within the second six (6) months, you shall continue to receive payment as described in section 1. above. **Under no circumstances will the combined checks (Workers' Compensation and City of Conway) exceed your regular amount as set forth in Arkansas Workers' Compensation statutes.**

During the eleventh (11th) month of disability, the Workers' Compensation Insurance carrier's designated physician shall make a determination of the degree of disability. If you have a permanent disability preventing your return to work, you shall apply for disability retirement and be separated from the City's employment upon approval of disability by the appropriate Pension Board, but not later than the end of twelve (12) months from the last day worked.

At the time of the twelfth (12th) month, you shall either return to full duty status or shall be separated from the City's employment. If at any time during your Injury Leave it is determined by the Workers' Compensation Insurance carrier that the injury is not a valid Workers' Compensation claim, you will be placed on FMLA leave and any time you have been away from work after the date determined by the Workers Compensation Commission that such injury was not a valid Workers Compensation Claim will be counted as FMLA leave time.

The City Council can, at their discretion, extend an employee's Extended Injury Leave, if there are circumstances that warrant such a decision. The City Council can approve to employ additional staff to cover positions vacant due to Extended Injury Leave, if deemed necessary for continued business operations. Such additional staff will NOT be a replacement of any employee on Extended Injury Leave.

Section 2: Three (3) copies of the revised section of the Amended Employee Handbook, City of Conway, Personnel Policy shall be and are hereafter kept on file in the Office of the Clerk/Treasurer.

Section 3: All ordinances in conflict herewith are repealed to the extent of the conflict, specifically, Ordinance No. 0-00-55 and Ordinance No. 0-00-73.

Section 4: This ordinance is necessary for the protection of the peace, health and safety of the citizens of Conway, and therefore, an emergency is declared to exist, and this ordinance shall go into effect from and after its passage and approval.

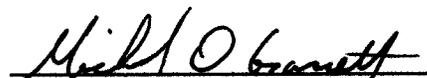
PASSED this 17th day of September 2002.

APPROVED:



Mayor Tab Townsell

ATTEST:



Michael O. Garrett, City Clerk